

REMARKS/ARGUMENTS

The above-identified patent application has been reviewed in light of the Examiner's Action dated March 29, 2006. Claims 1-4, 7 & 8 have been amended and Claim 5, 6 and 9-13 been cancelled, without intending to abandon or dedicate to the public any patentable subject matter. Claims 14-25 have been added. Accordingly, Claims 1-4, 7 & 8 and 14-25 are now pending.

Election/Restrictions

In a Restriction Requirement dated January 13, 2006, the Examiner stated that eight distinct species are present in the application. Applicants, in an Amendment and Response to the Restriction Requirement dated March 6, 2006, elected with traverse to pursue the species of the invention illustrated in Fig. 2. The amendments presented above to independent claims 1 and 10 are now generic to the embodiments shown in Figures 1, 2, 4 and 5.

Claim Objections

The Examiner has objected to Claims 2 and 7 because they contain the phrase "adjustable engaged" and/or "second arm ban". Accordingly, the claims have been amended to replace the objected-to phrases with -- adjustably engaged -- and -- second arm can --, respectively.

Claim Rejections - 35 UCS § 102

The Examiner has rejected Claims 1-3, 5-7 and 9-13 (Claim 13 is believed pending although not listed in the Office Action) as being anticipated by U.S. Patent No. 3,765,632 to Riggs ("Riggs"). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Thus, since the amended claims do not include each and every claim limitation, withdrawal of the rejection is respectfully requested.

Amended independent Claim 1 generally comprises the combination of features of originally-presented Claims 1, 5 and 10 together with the limitation of a "rod coupled to said second arm and extending laterally to abut the support". Support for the "rod" feature is provided in the second paragraph on page 6 (where the rod is referred to as the "stabilizing bar 46"), the third paragraph on page 8 which refers to the "bar or tie rod 46 that abuts against the rails 74, and in the drawings where the rod is depicted as item 46 in Figure 2. New independent Claim 17 is based on new Claim 1 but contemplates a window box.

Conversely, Riggs describes a tackle box holder 2 comprising a horizontally disposed arm 8 having a platform 4 at one end and a bracket 10 at an opposite end. The bracket 4 is able to support a separate tackle box 6. The tackle box 6 is not an integral part of the holder 2. The bracket 10 forks over a gunwale 12. The disposition of the holder 2 can be adjusted by adjustment screws 76 and 80 of the bracket 10. Riggs does not disclose all of the features of Claim 1 because claim 1 requires that the first engagement mechanism is formed integrally with the receptacle. Clearly in Riggs, the tackle box 6 is a separate item to the remainder of

the support 2. Further, Claim 1 as amended includes the limitation of a rod coupled to one or more of the second arms extending laterally to abut the support.

The Examiner also equates the second arm of the claims with the adjusting screw 80 of Riggs. Clearly however Riggs does not show a rod coupled to the adjusting screw (80) and extending laterally to abut the support, which in Riggs would be the gunwale 12. The significance of the rod in claim 1 is that it allows the support system to be used on a variety of supports that comprise holes or gaps such as on a balustrade or fence comprising a plurality of spaced apart vertical bars, or a mesh fence, while holding the receptacle in a substantially horizontal plane. This is described in the third paragraph on page 8 of the specification.

For the above reasons it is submitted that the invention defined by Claim 1 and its dependents is clearly novel over Riggs. For the same reasons, independent Claim 17 is also novel over Riggs.

Claim Rejections - 35 UCS § 103

The Examiner has rejected Claims 4 & 8 as being obvious in light of Riggs alone or in view of U.S. Patent No. 5,873,555 to Crace ("Crace"). To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Thus, since amended claims possess claim limitations, i.e. the above-mentioned rod, not found in the combination of references, withdrawal of the rejection is respectfully requested.

In addition, since Crace does not disclose either one of the limitations of the first and second engagement mechanisms being formed integrally with the receptacle, Applicants respectfully assert that the rejection is improper. As these features are not shown in either one of Riggs or Crace and then their combination also does not disclose these features.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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